



**BATAVIA
ENTERPRISES, INC.**
Leasing Industrial & Commercial Properties

08 JAN -6 PM 11:24

December 27, 2007

Top Hat Plan Exemption
Employee Benefits Security Administration
Room N-1513
U.S. Department of Labor
200 Constitution Avenue NW.
Washington, D.C. 20210

Re: Top Hat Plan Exemption

Dear Secretary:

The purpose of this letter is to provide alternative filing compliance with the reporting and disclosure requirements under Part 1 of Title I of the Employee Retirement Income Security Act of 1974, for unfunded or insured pension plans for a select group of management or highly compensated employees. Pursuant to Regulation 29 C.F.R. §2520.104-23(b), we provide the following information:

1. Employer Name: Batavia Enterprises, Inc.
2. Employer Address: 140 First Street
Batavia, Illinois 60510
3. Employer EIN: 36-2615828

Please consider this a formal notice that Batavia Enterprises, Inc. has established a certain third Unfunded Pension Agreement, as of November 27, 2007, which provides that Batavia Enterprises, Inc. shall pay deferred compensation to a management or highly compensated employee.

Batavia Enterprises, Inc. maintains three Unfunded Pension Agreements primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees. One Unfunded Pension Agreement, dated December 6, 1993, covers one (1) employee, namely, Gerard R. Dempsey. The second Unfunded Pension Agreement,

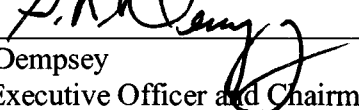
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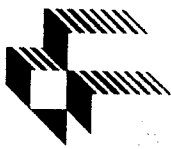
dated July 1, 1996, covers one (1) employee, namely, Daniel Stellato. The third Unfunded Pension Agreement, dated November 27, 2007, covers one (1) employee, namely, Austin M. Dempsey. Notice with respect to the first mentioned Unfunded Pension Agreement (covering Gerard R. Dempsey) was given to you on December 15, 1993. Notice with respect to the second mentioned Unfunded Pension Agreement (covering Daniel Stellato) was given to you on July 1, 1996.

The benefits under the third Unfunded Pension Agreement are paid as needed solely from the general assets of Batavia Enterprises, Inc., or are paid exclusively through insurance contracts or policies, the premiums for which are paid directly by Batavia Enterprises, Inc. from its general assets, or a combination of the above two methods of payment.

Sincerely,

Batavia Enterprises, Inc.

By: 
Gerard R. Dempsey
Its: Chief Executive Officer and Chairman



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